

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): | Nissl, et al. | Confirmation Number: | 7925 |
| U.S. Appl. No.: | 10/573,950 | | |
| Filing Date: | March 29, 2007 | | |
| Art Unit: | 3738 | | |
| Examiner: | Cheryl L. Miller | | |
| Title: | REMOVABLE STENT | | |

Docket No.: 047956/307840

Customer No.: 37305

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ERIC K. MANGIARDI UNDER 37 C.F.R. § 1.132

Sir:

I, Eric K. Mangiardi, do hereby declare and say the following:

1. I am one of the named inventors of the subject matter disclosed and claimed in the present application, U.S. Patent Appl. Serial No. 10/573,950 (the “’950 application”) filed March 29, 2007. The ‘950 application also includes Thomas Nissl as a named inventor.

2. I have reviewed the Office Action dated August 29, 2008 in which the Examiner rejects independent Claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Appl. Publ. No. 2004/0088040 to Mangiardi et al. (“the ‘040 publication”). I am also one of the named inventors on the ‘040 publication, which includes Jason M. Reynolds as the other inventor. This Declaration is presented in order to establish that I invented the subject matter relied upon as prior art in the ‘040 publication and recited in independent Claim 1 of the ‘950 application.

3. In the Office Action, the Examiner finds that independent Claim 1 of the '950 application is clearly anticipated by Figures 1 and 8 of the '040 publication. Claim 1 is currently directed to a stent configured to reduce traumatization of a vessel wall. The stent includes a tubular support frame that can be expanded from an initial state to a support state, in which the tubular support frame comprises at least two annular segments that are formed by struts that are interconnected in a corrugated manner via transitional sections, and in which adjacent annular segments are coupled by connectors. One of the annular segments corresponds to a proximal end of the tubular support frame and one of the annular segments corresponds to a distal end of the tubular support frame, wherein every other transitional section at the proximal and distal ends of the tubular support frame has a widened head end that axially projects proximally at the proximal end and distally at the distal end and has a convexly rounded front section, concavely rounded throat sections between the head end and the struts connected to the head end, and convexly rounded edge sections extending between the convexly rounded front section and the concavely rounded throat sections. The concavely rounded throat sections are configured to intermesh with adjacent transitional sections in the initial state, and each of the struts are substantially parallel to one another in the initial state.

4. Figure 1 of the '040 publication illustrates that the stent includes a plurality of circumferential bands and connectors that connect the bands together. The circumferential bands include legs that intersect at predetermined angles. The '040 publication also discloses a stent including a scaffolding having heads and respective apertures defined therein that are configured to receive suture therethrough. In Figure 2 of the '040 publication, the heads at one of the stent are offset from and wider than adjacent head ends. Figure 8 of the '040 publication also illustrates that the heads are offset from adjacent heads in an unexpanded configuration.


5. I hereby declare that I am the inventor of the claimed subject matter of independent Claim 1 of the '050 application and the subject matter shown in Figures 1

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January 16, 2009

and 8 of the '040 publication relied upon by the Examiner as prior art in the Office
Action.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: _____

Signed:  2/19/2009
Eric K. Mangiardi